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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/921,193 | 08/01/2001 | William D. Price | 062908-0123 | 6079 |

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| EXAMINER | |
|---|---|
| GOLD, AVI M | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2157 | |

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/921,193 | PRICE ET AL. | |
| | Examiner | Art Unit | |
| | Avi Gold | 2157 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *01 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 January 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/15/02, 9/3/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

This action is responsive to the application filed August 1, 2001. Claims 1-31 are pending. Claims 1-31 represent a file sharing system for serving content from a computer.

### *Oath/Declaration*

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

### *Drawings*

2. New corrected drawings are required in this application because the figures drawn by hand are difficult to read. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

3. Claims 1-6, 10, 12, 13, 15, 18, 19, 28, 29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Tominaga et al., U.S. Patent No. 6,336,115.

Tominaga teaches the invention as claimed including a file sharing system which uses file-identification information to control files based on WWW (see abstract).

Regarding claim 1, a system for publishing information content over a network comprising:

one or more subscriber computers connected to a server via the network (col. 2, lines 56-67; col. 3, lines 1-27; Tominaga discloses a plurality of client systems connected to a server system via a network), each of the subscriber computers having a client application residing thereon for managing communication between the respective subscriber computer and the server (col. 2, lines 56-67; col. 3, lines 1-27; Tominaga discloses a user-friendly file sharing system with a harmonized display), and a console application for enabling the serving of information from the respective subscriber computer such that the information is accessible via a standard web browser application (col. 2, lines 56-67; col. 3, lines 1-27; Tominaga discloses a harmonized display based on a WWW browser), and the server having one or more APIs residing thereon for managing end-user information received from the subscriber computers (col. 2, lines 56-67; col. 3, lines 1-27; Tominaga discloses a server having a WWW-server-function extension unit).

Regarding claim 2, the system of Claim 1, wherein the APIs further manage end-user information received from a managing service provider (col. 2, lines 64-67; col. 3, lines 1-15; Tominaga discloses a WWW-server-function extension unit operating in association with the WWW server to control files based on file identifiers).

Regarding claim 3, the system of Claim 1, further comprising a presentation layer for dynamically generating a webpage that is displayed in the web browser application and has actively managed hyperlinks to the information located on the respective subscriber computers (col. 1, lines 22-36; Tominaga discloses hyperlinks used to get inter-linked pieces of information stored on different computers).

Regarding claim 4, the system of Claim 1, wherein the subscriber computers are connected with the server via the Internet (col. 9, lines 6-15; Tominaga discloses the Internet as the network used).

Regarding claim 5, the system of Claim 1, wherein the availability of the information is restricted to a community of designated individuals (col. 5, lines 16-30; Tominaga discloses an access condition to be satisfactory for a file to be transferred to a client).

Regarding claim 6, the system of Claim 1, wherein the published information includes any of image files, movie files, audio files, and documents (col. 1, lines 22-36; Tominaga discloses the WWW used for handling audio and image information).

Regarding claim 10, the system of Claim 1, wherein the server comprises a subscriber module for communicating with the client application (col. 2, lines 64-67; col. 3, lines 1-15), a guest module for processing requests originating from the web browser application (col. 4, lines 8-26; Tominaga discloses a WWW-browser-function extension unit), a management API module for providing a secure interface between a partner computer and the server, and one or more daemon applications for managing communications among one or more subscribers and guests (col. 2, lines 64-67; col. 3, lines 1-15).

Regarding claim 12, the system of Claim 10, wherein the guest module handles subsequent requests originating from the web browser application and redirects such requests to the appropriate subscriber computer (col. 4, lines 8-49; Tominaga discloses a WWW-browser-function extension unit of the client system).

Regarding claim 13, the system of Claim 12, wherein the subsequent requests are hyperlink selections (col. 1, lines 22-36).

Regarding claim 15, the system of Claim 10, wherein the management API module permits the creation and management of subscriber account information (col. 2, lines 56-67; col. 3, lines 1-27; Tominaga discloses WWW-browser-function extension unit managing a client system).

Regarding claim 18, the system of Claim 10, wherein the management API module comprises an inbound API module for enabling the creation, modification, and deletion of end-user record information (col. 2, lines 56-67; col. 3, lines 1-27; Tominaga discloses a WWW-browser-function extension unit), an outbound API module for permitting querying of the system (col. 2, lines 56-67; col. 3, lines 1-27; Tominaga discloses a WWW-server-function extension unit), and a security and authentication module for authenticating communications within the system (col. 5, lines 16-31; Tominaga discloses checking a session ID and meeting an access condition).

Regarding claim 19, the system of Claim 18, wherein the inbound API module includes a first function for creating a new end-user record, a second function for updating an end-user record, and a third function for removing an end-user record (col. 8, lines 8-57; Tominaga discloses a new registration, a file-overwrite, and a removal process).

Regarding claim 28, the system of Claim 1, wherein the client application communicates with the console application via a software registry which permits

configuration of the system and management of content (col. 5, lines 35-44; Tominaga discloses a new-file-registration request).

Regarding claim 29, the system of Claim 28, wherein configuration information is persisted on the subscriber computer and a portion of the configuration information is written to a configuration file associated with an instance of a server running in the subscriber computer (col. 5, lines 35-44; Tominaga discloses the request is sent to a server system and a new file identifier is made).

Regarding claim 31, the system of Claim 29, wherein a sync file is used to notify the client application of a change in state of the registry such that the client application responds to the notification from the sync file to read the system registry and process the configuration changes (col. 5, lines 16-30; col. 8, lines 21-56; Tominaga discloses notifications sent to the user when a change is made).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga further in view of Slaughter et al., U.S. Patent No. 6,643,650.

Tominaga teaches the invention substantially as claimed including a file sharing system which uses file-identification information to control files based on WWW (see abstract).

As to claim 7, Tominaga teaches the method of claim 1.

Tominaga fails to teach the limitation further including the use of HTTP/S.

However, Slaughter teaches a heterogeneous distributed computing environment based upon a message-passing model for connecting network clients and services (see abstract). Slaughter shows evidence of the use of HTTPS (col. 72; lines 51-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tominaga in view of Slaughter to use HTTP/S. One would be motivated to do so because it allows a secure connection of the Internet.

As to claims 8 and 9, Tominaga and Slaughter teach the method of claim 7.

Tominaga fails to teach the limitation further including the use of an XML messaging scheme being used to manage communications between the client application and the server and the XML messaging scheme including a first

message transmitted from the client application to the server for informing the server that an associated website is active, a second message for informing the server of the IP address of a subscriber computer, a third message transmitted from the client application to the server for transmitting configuration information to the server, a fourth message transmitted from the client application to the server for sending e-mail addresses of guests to whom various notification messages should be sent when a website is online, and a fifth message transmitted from the server to the client application to determine whether the client application is reachable.

However, Slaughter shows evidence the use of XML messaging and its many uses (col. 19, lines 45-53; col. 20, lines 13-31, lines 43-67; col. 21, lines 1-14; col. 22, lines 13-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tominaga in view of Slaughter to use a XML messaging scheme. One would be motivated to do so because XML for messaging provides flexibility, extensibility, structure, and secure messaging.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga further in view of Aravamudan et al., U.S. Patent No. 6,396,830.

Tominaga teaches the invention substantially as claimed including a file sharing system which uses file-identification information to control files based on WWW (see abstract).

As to claim 11, Tominaga teaches the method of claim 10.

Tominaga fails to teach the limitation further including the guest module resolving a domain name to a current IP address of a subscriber computer, and monitoring the subscriber computers to determine which of the subscriber computers are online, and if online, redirecting a computer originating the request to the appropriate subscriber computer.

However, Aravamudan teaches software which utilizes domain names to direct communications over the networks (see abstract). Aravamudan teaches the use of resolving of host names and IP address and monitoring the status of a computer (col. 5, lines 32-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tominaga in view of Aravamudan to use a domain name and monitoring of computers with a redirect to an online computer. One would be motivated to do so because a domain name provides a redirect to the appropriate IP address and the redirect makes sure the computer gets a live connection.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga further in view of Aravamudan et al., U.S. Patent No. 6,301,609.

Tominaga teaches the invention substantially as claimed including a file sharing system which uses file-identification information to control files based on WWW (see abstract).

As to claim 14, Tominaga teaches the method of claim 10.

Tominaga fails to teach the limitation further including the guest module causing an away webpage to be displayed in the web browser application when the subscriber computer attempted to be accessed is offline.

However, Aravamudan teaches the use of instant messaging in conjunction with access to data and communication network channels and modes (see abstract). Aravamudan teaches the use of an away dialog being displayed when a user is offline (col. 7, lines 21-40; col. 8, lines 5-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tominaga in view of Aravamudan to use an away webpage. One would be motivated to do so because an away webpage would let users know if a certain user is not accessible at that moment.

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga further in view of Spaur et al., U.S. Patent No. 5,732,074.

Tominaga teaches the invention substantially as claimed including a file sharing system which uses file-identification information to control files based on WWW (see abstract).

As to claims 16 and 17, Tominaga teaches the method of claim 10.

Tominaga fails to teach the limitation further including the daemon applications handling e-mail traffic generated by either of subscriber actions and management API module requests and performing any of generating HTML e-mails with appropriate branding information, sending e-mail messages on behalf

of a particular subscriber, generating private web site invitations, and sending e-mail notification messages.

However, Spaur teaches information transfers between a vehicle and one or more remote stations using an established network (see abstract). Spaur teaches the use of HTML messages sent as notifications (col. 12, lines 18-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tominaga in view of Spaur to use a daemon application to handle email traffic and to use HTML email to send notifications. One would be motivated to do so because it automatically notifies the user without needing their interaction.

9. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga further in view of Leonard et al., U.S. Patent No. 6,721,784.

Tominaga teaches the invention substantially as claimed including a file sharing system which uses file-identification information to control files based on WWW (see abstract).

As to claims 20-25, Tominaga teaches the method of claim 19.

Tominaga fails to teach the limitation further including the first function comprising a data structure having a first field for identifying a unique identifier of a partner, a second field for identifying the domain name associated with an end-user, a third field for identifying a user name associated with an end-user, a fourth field for identifying an e-mail address associated with an end-user, a fifth field for identifying a given name of an end-user, a sixth field for identifying a

password associated with an end-user, a seventh field for identifying a trial period timeframe, and an eighth field for determining branding and end-user ownership information.

However, Leonard teaches a system and method for enabling the originator of an electronic mail message to preset an expiration time, date, and/or event, and to control and track processing or handling by all recipients (see abstract). Leonard teaches the use of a domain name in an email address (col. 23, lines 5-17), a user entering recipient information (col. 12, lines 51-63), entry of a password (col. 16, lines 12-26), and software activated only for a trial period (col. 18, lines 51-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tominaga in view of Leonard to use many different fields within the first function. One would be motivated to do so because it allows the API to keep track of many different aspects of a user.

10. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga further in view of Saylor et al., U.S. Patent No. 6,501,832.

Tominaga teaches the invention substantially as claimed including a file sharing system which uses file-identification information to control files based on WWW (see abstract).

As to claims 26 and 27, Tominaga teaches the method of claim 18.

Tominaga fails to teach the limitation further including the outbound API module includes a first function for returning the number of registered subscribers of the system, a second function for returning the number of activated sites, a third function for returning the number of converted sites, a fourth function for returning the number of churns, a fifth function for retuning the number of invitation messages sent to one or more guests, a sixth function for returning the average number of registered websites, a seventh function for returning the number of guests that visited particular websites, an eighth function for returning the total pages rendered from a specific website, and a ninth function for returning an accumulated amount of data served from a specific website.

However, Saylor teaches a voice code registration system and method for registering voice codes for voice pages in a voice network access provider system (see abstract). Saylor teaches the use of a registration number (col. 15, lines 53-67; col. 16, lines 1-7), a statistic review with the number of user and time spent by each user (col. 21, lines 42-67), a VPage translations server with a number of converted files (col. 12, lines 20-43), and invited guests must register (col. 17, lines 38-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tominaga in view of Saylor to use many different functions within the outbound API. One would be motivated to do so because it allows the outbound API to keep statistics of the websites, subscribers, and guests.

11. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tominaga further in view of Choudhry, U.S. Patent No. 6,442,602.

Tominaga teaches the invention substantially as claimed including a file sharing system which uses file-identification information to control files based on WWW (see abstract).

As to claim 30, Tominaga teaches the method of claim 29.

Tominaga fails to teach the limitation further including the use of an Apache server.

However, Choudhry teaches a system and method for dynamic creation and management of virtual subdomain addresses (see abstract). Choudhry shows evidence of the use of an Apache server.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tominaga in view of Choudhry to use an Apache server. One would be motivated to do so because it is a well-known HTTP server in the art and possibly the most powerful.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,761,421 to van Hoff et al.

U.S. Pat. No. 6,260,040 to Kauffman et al.

U.S. Pat. No. 6,253,234 to Hunt et al.

U.S. Pat. No. 5,944,783 to Nieten.

U.S. Pat. No. 6,219,710 to Gray et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

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